

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case No. 3455
)	
STEVEN J. LOCNIKAR, D.O.)	
)	FINDINGS OF FACT, CONCLUSIONS
Holder of License No. 2669 for the)	OF LAW AND ORDER
practice of osteopathic medicine in the)	
State of Arizona.)	
_____)	

INTRODUCTION

1. On May 7, 2005, the Board of Osteopathic Examiners in Medicine and Surgery (hereinafter "Board") held a investigative interview regarding Steven J. Locnikar, D.O. (hereinafter "Respondent") of a complaint made against his license. This matter had been continued from the previous Board meeting of March 12, 2005. The Board voted to divide the investigative hearing into two (2) separate cases. All issues involving diversion, patient care, record keeping and prescribing to immediate family members were continued. The Board went forward with the investigative hearing involving personal physician drug abuse.

JURISDICTIONAL STATEMENTS

2. The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq. to regulate the licensing and practice of osteopathic medicine in Arizona.

3. Respondent holds license No. 2669 to practice osteopathic medicine in Arizona.

FINDINGS OF FACT

4. The Board opened complaint No. 3455 in response to a newspaper article published by the Paradise Valley Independent published on November 15, 2004. The initial allegations involved two areas of concern in this matter: substance abuse, physician relapse and prescribing

controlled substances to an immediate family member.

5. In November 2004, Respondent was involved in a single car accident. Respondent had vials of Versed and syringes in the vehicle at the time of the accident. Respondent declined treatment at the scene or transportation to a hospital, and instead was treated by his colleagues and staff at his surgical center.

6. At meetings of the Board on December 1 and 11, 2004 and January 22, 2005, Respondent denied using any narcotics or medications not prescribed to him by any treating physicians, and denied using alcohol or drugs of addiction.

7. The hearing on March 12, 2005, Respondent admitted to using Versed and alcohol from June 2004 through January 2005, and using cocaine from December 2004 until January 2005.

8. At the conclusion of the March 2005 board meeting, Dr. Locnikar agreed to the following stipulations; that he would,

- a. not practice osteopathic medicine
- b. submit to three drug screens each week
- c. fulfill all conditions of his discharge plan from Sierra Tucson.

9. Since the March meeting, Dr. Locnikar's had several drug screening results which were positive for Benzodiazepines and Testosterone. The dates were: April 8, 2005, April 11, 2005, April 13, 2005, April 16, 2005 and April 20, 2005, April 22, 2005, respectfully.

10. Respondent failed to report his relapse treatment plan to his PCP and or treating physician.

CONCLUSIONS OF LAW

11. The Board has the authority to enter into this order for disciplinary action against the Respondent pursuant to A.R.S. § 41-1061(D), A.R.S. § 32-1855 and A.R.S. § 32-1861(D).

12. The conduct described in paragraphs 4 through 9 of the Findings of Fact constitutes unprofessional conduct, specifically, a violation of A.R.S. § 32-1854:

(3) Practicing medicine while under the influence of alcohol, narcotic or hypnotic drugs or any substance that impairs or may impair the licensee's ability to safely and skillfully practice medicine.

(38) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

(39) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. Effective the 7th day of May, 2005, Steve J. Locnikar, D.O. ("Respondent"), holder of Board license 2669 is placed under **PROBATION** and shall comply with the terms and conditions of probation as set forth herein:

2. Respondent shall be **SUSPENDED** from the practice of osteopathic medicine and surgery for no more than one (1) year until he has complied with the following terms and conditions of this order:

a. Respondent will successfully complete the in-patient evaluation for possible alcohol or chemical dependency at Springbrook Northwest in Newberg, Oregon (hereinafter "Springbrook"). Should Springbrook find an assessment of chemical or alcohol dependency, Respondent will follow the recommendations for treatment.

b. Respondent will develop a plan for aftercare treatment and monitoring which shall include, but may not be limited to, individual and/or group counseling sessions, random body fluid

testing, agreement for release of treatment records and reports to the Board, prohibition of the use of alcohol and controlled substances unless the latter is prescribed or coordinated by his treating physician, and regular meeting with the Board, and submit this plan to the Board for its approval.

2. Respondent will sign a release authorizing personnel at Springbrook to inform the Board of his progress as to his in-patient evaluation and any in-patient treatment program and will provide the Board with a copy of any and all records pertinent to his diagnosis and treatment while a patient at said facility and upon discharge.

3. Upon written request by the Respondent, Respondent will meet with the Board upon reasonable notice after discharge from Springbrook to discuss his compliance with this agreement and to discuss whether or not he should resume the practice of osteopathic medicine and the terms and conditions under which he will be allowed by the Board to resume the practice of osteopathic medicine and surgery in the State of Arizona.

4. If Respondent is allowed to resume the practice of medicine, Respondent's Board License Number 3212 will be continued under **PROBATION** for five (5) years and he shall comply with the terms and conditions of probation as set forth herein:

5. From the date of this Order, Respondent shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is selected by Respondent and approved by the Board. Respondent shall comply with the therapist recommendation for the frequency of therapy treatment sessions. Respondent shall inform the Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and, Respondent shall undertake and fully cooperate with a program of treatment established by the therapist. In the event Respondent changes therapists, he shall give the Board written notice within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of psychotherapy sessions

until he has submitted a written request to the Board and obtained Board approval.

6. Respondent's therapist(s) shall receive a copy of this Order and Board staff shall cooperate with and disclose all relevant information in the Board's files concerning Respondent. The treating therapist shall be directed by Respondent to send to the Board a detailed written progress report every month for the remainder of the probation; and Respondent, shall waive any confidentiality concerning his psychotherapy in order that the Board may receive full disclosure of information. The expense of the aforementioned therapy and the reports to the Board by Respondent's therapist shall be the sole responsibility of the Respondent.

7. Respondent shall provide a copy of this Order and any subsequent Orders to all facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or subsequently receives) privileges to engage in the practice of medicine. Respondent shall provide a copy of this Order to all treating physicians, dentists and or health care professionals. Respondent shall continue to make the aforementioned disclosure and provide copies of this Consent Order until the expiration of this Order.

8. Respondent may have his license to practice as an osteopathic physician restricted, suspended or revoked by the Board in the future if:

(A) The Board finds that Respondent does not have the requisite mental, physical and emotional fitness to safely continue the practice of medicine; or,

(B) There are new grounds for finding unprofessional conduct concerning Respondent;
or,

(C) Fails to comply fully with the terms and conditions of this Order.

9. Respondent shall abstain completely from the consumption of alcoholic beverages or any substance with alcohol (i.e. cough syrups); and, Respondent shall not consume illicit drugs or

take any controlled substances (i.e., prescription only drugs), unless his treating physician prescribes such medication for him with the awareness that Respondent has a substance abuse disorder. Respondent shall maintain a monthly log (for the duration of probation) of all prescription only drugs taken by his and such log shall include the following information:

- (a) the name of the medication;
- (b) name of prescribing physician;
- (c) reason for the medication.

At the first of each month, Respondent shall report by letter to the Board whether or not he is taking any prescription only medication and, if so, a copy of his log reflecting the above information.

10. Respondent shall also, as part of his probation: (A) submit to and cooperate in any independent medical or psychological evaluation that is ordered by the Board for Respondent and conducted by the Board's designated physician and/or psychologist which shall be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written or telephonic notification from the Board's executive director which shall be given at least five (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for testing and said testing shall be done at the Respondent's expense.

11. Respondent shall participate in a minimum of three (3) self-help meetings per week through such organizations as A.A., N.A., C.A. and doctor's Caduceus group. Respondent shall keep a log of all meetings attended and have the log signed by the chairperson of the meeting. Respondent will provide the Board with a copy of the signed log the first of every month.

12. In the event Respondent moves and ceases to practice medicine in Arizona, he shall give written notice to the Board of his new residence address within twenty (20) days of moving;

and, the terms and duration of probation may be stayed by the Board until Respondent returns to practice medicine in Arizona.

13. Respondent shall reimburse the Board for all expenses associated with the continued monitoring of this matter.

14. Respondent shall continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

15. The Board's Executive Director shall send correspondence to the appropriate state and/or federal law enforcement agency disclosing information in the Board's possession which may establish criminal misconduct by Respondent, i.e., illicit use of controlled substances.

16. Respondent's failure to comply with the requirements of this Order shall constitute unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be considered as grounds for further disciplinary action (e.g., suspension or revocation of license) in the event that Respondent fails to comply with any of the requirements of this Order.

ISSUED this 25th day of May, 2005.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

(Signature on File)

By:_____

Jack Confer, Executive Director

Notice of Right to Request a Rehearing

The Respondent has the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.90. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners in Medicine and Surgery within thirty (30) days. Respondent must specify in detail and with particularity at least one of the seven grounds that apply to the request for rehearing or review, as mandated by A.A.C. R4-22-106(C). A request for rehearing or review shall be a prerequisite prior to seeking judicial review pursuant to A.R.S. § 41-1092.09.

Original "Findings of Fact, Conclusions of Law and Order" filed this 25th day of May with the:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale, AZ 85258-5539

Copies of the foregoing "Findings of Fact, Conclusions of Law and Order" sent certified mail, return receipt requested the 25th day of May, 2005 to:

Tim Coker, Esq.
637 N. Third Avenue
Phoenix AZ 85003

Stephen J. Locnikar, D.O.
4222 E. Camelback Rd, #H150
Phoenix, AZ 85018

Copy of the foregoing "Findings of Fact, Conclusions of Law and Order" sent via regular mail, this 25th day of May, 2005 to:

Blair Driggs
Assistant Attorney General
Office of the Attorney General
15 S 15th Avenue
Phoenix AZ 85007
